

REMARKS

This Amendment, submitted in response to the Office Action dated October 21, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-27 are pending in the present application.

I. Preliminary Matter

Applicant respectfully requests that the Examiner approve the drawings filed July 11, 2001, by marking acceptance of the drawings in the next Office Action.

II. Claim Rejections under 35 U.S.C. § 103

Claims 1-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Teshima (U.S. Patent No. 6,272,470) in view of Sato et al. (U.S. Patent No. 5,911,687).

Applicant submits that neither Teshima nor Sato disclose the use of accompanying information, where the accompanying information includes at least one of a facility information or an input modality, as recited in claim 1. Applicant notes that such features were previously recited in claim 3. In the rejection of claim 3, the Examiner merely maintains that Teshima discloses the claimed “patient specification information” (pg. 5 of Office Action). However, even if Applicant assumes *arguendo* that Teshima does disclose a type of patient specification information, the reference still fails to teach or suggest that at least one of a facility information or an input modality is included in the accompanying information. Since Sato fails to cure this deficient teaching of Teshima, Applicant submits that claim 1 is patentable over the cited references.

In addition, Applicant submits that where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it. MPEP 707.07(f). The Examiner has not addressed all of Applicant's arguments with respect to claims 1 and 21. Consequently, Applicant respectfully requests that the Examiner address all of the previously submitted arguments.

In Applicant's previous filings, Applicant submitted that Sata and Teshima do not disclose the elements of claim 1. In particular, claim 1 recites:

"...when a desired search condition is inputted from any one of the client terminals and is transmitted to the image database server, the image database server searches for the **accompanying information** using the desired search condition received by the image database server, if the accompanying information is successfully found, then retrieves the **medical image data** regarding the accompanying information, and transmits the retrieved medical image data to the relevant client terminal."

The Examiner concedes that Sato does not disclose that the medical data of the patient is accompanied with information regarding the set of medical data and cites Teshima to cure the deficiency. The Examiner reasons that Teshima discloses a system that stores patient image information on a patient card and link information (address or file name) is produced with the image data upon writing the data image information in the database server. The data image information can then be accessed externally using the link information.

Applicant submits that Sato teaches away from transmission of image data based on client terminal request. Rather, to maintain patient confidentiality, the transfer of information is made through the central server as an intermediary based on phone requests by a patient for

appointments. Col. 6, line 41 to col. 7, lines 9; col. 5, lines 52-58. Therefore, the interchange between client and server is constrained in Sato and does not teach each feature of the client server interaction.

Assuming *arguendo*, that the references may be combined, contrary to the Examiner's assertion, there is no indication that image data is necessarily stored on a patient card. In particular, image data is too large to be stored on a patient card and is therefore stored externally. Access to the image data is obtained via a link. See Teshima col. 4, lines 48-55.

Further, the image data of Teshima is obtained via a link and not by a search according to patient to be examined (search condition as cited by the Examiner). In Teshima, when a link to an image is selected, the image is directly provided to the user. A search for accompanying information is not performed.

Assuming *arguendo* Teshima discloses searching for the accompanying information using the desired search condition received by the image database server, if the accompanying information is successfully found, then retrieves the medical image data regarding the accompanying information, the combination of Teshima with Sato is not obvious. In particular, there is no teaching or suggestion in Sato Figs. 20 and 21, of obtaining medical image data. At most, treatment information such as prescription, inspection and operation, are disclosed. Consequently, modifying Sato to include the teachings of Teshima is clearly a result of impermissible hindsight upon viewing the Applicant's invention.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable. To the extent claims 15 and 16 recite similar elements, they should be deemed allowable for at least the same reasons.

Claim 19

Claim 19 recites “wherein a user inputs a password onto an input device on said client terminal, wherein said client terminal transmits said password to said image database server.” The Examiner asserts that Sato col. 14, lines 25-30 teaches this aspect of the claim. The respective column and lines cited by the Examiner discloses that as a result of a query and reference to image data, a doctor gives a diagnosis of a disease. The doctor then notifies the management center and requests an access right to the case database on the integrated management server. The management center receiving the request then gives the doctor access rights to the database. However, there is no teaching or suggestion of a user inputting a password onto an input device, let alone a client terminal transmitting the password to the image database server.

For at least the above reasons, claim 19 should be deemed allowable. In addition, Applicant submits that claim 19 is patentable at least by virtue of its dependency upon claim 1.

Claim 21

Claim 21 recites that the “accompanying information is directly attached to said image data.” The Examiner asserts that in Teshima, patient image information is stored in a patient card and link information is produced with the image data upon writing the data image information to the database server and the data image information can be accessed externally using the link information. However, as indicated by the Examiner, access to the external image data is obtained via a link. Upon selecting a link, which is on a patient card, a user will be directed to the desired image data. The image data is stored externally and is not directly attached to the link information.

For at least the above reasons, claim 21 should be deemed allowable. In addition, Applicant submits that claim 21 is patentable at least by virtue of its dependency upon claim 1.

Claim 24

Claim 24 recites “wherein the medical image data and the accompanying information are managed as two separate files by using a common management number.” The Examiner cites Teshima, col. 8, line 48 to col. 9, line 38, for teaching this aspect of the claim. Further, the Examiner reasons that in Teshima, patient image information is stored on a patient card, link information is provided with the image data upon writing the data image information in the database server, and wherein the data image information can be accessed externally using the link information. The Examiner asserts that such image data information is associated with the patient in the patient card.

However, there is no teaching or suggestion in Teshima that the link information (medical image data as cited by the Examiner) and the accompanying information are managed as two separate files by using a common management number, as recited in claim 24.

For at least the above reasons, claim 24 should be deemed allowable. In addition, Applicant submits that claim 24 is patentable at least by virtue of its dependency upon claim 1.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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